

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

HERBERT L. SINGLETON, III,

Plaintiff,

v.

ASTRO HOLDINGS COMPANY, LLC,

Defendant.

Civil Action No. 5:21-cv-00020

**ORDER**

By: Hon. Thomas T. Cullen  
United States District Judge

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For the reasons stated in its Memorandum Opinion (ECF No. 24), it is **ORDERED** that Defendant's motion to dismiss (ECF No. 10) is **GRANTED**. Plaintiff's racial discrimination claim is **DISMISSED** with prejudice for failing to exhaust administrative remedies, and Plaintiff's sex discrimination, retaliation, and hostile work environment claims are **DISMISSED** without prejudice. Finally, it is further **ORDERED** that Plaintiff is **GRANTED** leave to file an amended complaint on the properly exhausted claims within 14 days of this order, if he chooses to do so. If Plaintiff fails to file an amended complaint within 14 days, this action shall be **STRICKEN** from the active docket of this court.

The clerk is directed to forward a copy of this Order to the parties.

**ENTERED** this 8th day of November, 2021.

/s/ Thomas T. Cullen

HON. THOMAS T. CULLEN  
UNITED STATES DISTRICT JUDGE